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2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

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5 WALTER ELAM,

6 Plaintiff,

7 -against-

15 Civ 7215

8 CONCOURSE VILLAGE, INC., ANTHONY
9 JAMES, INDIVIDUALLY, and LETITIA BOWRY,
individually,

10 Defendants.

11 - - - - -x

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13 DEPOSITION of CHRISTINA VERNEY, taken by
14 Plaintiff pursuant to Notice, held at the
15 offices of The Harman Firm, 220 Fifth Avenue,
16 New York, New York, on Monday, June 6, 2016,
17 commencing at 10:40 a.m., before Margaret M.
18 Harris, a Shorthand (Stenotype) Reporter and
19 Notary Public within and for the State of New
20 York.

A P P E A R A N C E S :

THE HARMAN FIRM
Attorneys for Plaintiff
220 Fifth Avenue
New York, New York 10001

BY: EDGAR RIVERA, ESQ.

CLIFTON BUDD & DEMARIA, LLP
Attorneys for Defendants
350 Fifth Avenue
New York, New York 10118

BY: CARLA B. GUNTHER, ESQ.

ALSO PRESENT:

Walter Elan

1
2 IT IS HEREBY STIPULATED AND
3 AGREED that the filing and sealing of
4 the within deposition be, and the same
5 are hereby waived;

6 IT IS FURTHER STIPULATED AND
7 AGREED that all objections, except as
8 to the form of the question, be and
9 the same are hereby reserved to the
10 time of the trial;

11 IT IS FURTHER STIPULATED AND
12 AGREED that the within deposition may
13 be sworn to before any Notary Public
14 with the same force and effect as if
15 sworn to before a Judge of this Court;

16 IT IS FURTHER STIPULATED that
17 the transcript is to be certified by
18 the reporter.
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25

Verney

I'm going to tell you like a property manager, a maintenance technician, it might not be those exact titles though, along those lines.

They have a lot of different job titles than we have in our regular Winn Residential side.

Q What are you responsible for exactly as a human resources professional?

A So, as an HR generalist I handle any employee relation matters and I'll define that such as, like I said, if anybody has an issue to questions on their, you know, posting a job to, you know, somebody's left there, at their current property, so recruiting matters, I handle, E-verify verifications for the Department of Homeland Security, employee relation matters, meaning if somebody has, you name it, any type of issue that you would normally go to human resources, you could call either me or my fellow generalist to kind of walk through the problem and figure out a solution.

Q And do you manage this at Winn itself or Winn's properties?

Verney

FMLA.

A Uh-hum.

Q Did you have any training sessions from Winn?

A No.

Q Did they ever disseminate paperwork or documents about the FMLA?

A As an employee, everybody, you know, you get a training FMLA.

Q Is there one training, more trainings?

A I don't know.

Q Did you participate in a training?

A Yes.

Q Do you remember if you participated for more than one?

A I believe I have only taken like one training for FMLA.

Q Do you remember approximately when that was?

A They just updated, so probably a couple of months ago, but to learn it as a perspective for like HR, not for myself

Verney

benefits based on a health issue?

A Right.

Q Were any employees from
Concourse?

A No.

Q And Concourse is unique in the
sense that it doesn't follow Winn's --

A Benefits.

Q Yeah, that it doesn't follow
Winn's manual?

A Correct.

Q So do you know how would an
employee at Concourse find out about FMLA?

A So right now it would go to
Sharon Seidenberg.

Q Is that a new policy?

A Recently, I believe.

Q How recent is recent?

A I'm not sure.

Q Is it over a year old?

A I don't know.

Q Is it over five years old?

A I don't want to give you dates
because I'm not sure of when that changed.

1 Verney

2 this.

3 A Thank you.

4 (A document Bates stamped
5 D000188 and D000189 was marked as
6 Plaintiff's Verney Exhibit 4 for
7 identification, as of this date.)

8 BY MR. RIVERA:

9 Q I'm passing the witness a
10 two-page document labeled Verney 4 (handing).

11 A Thank you.

12 Q Do you recognize this exhibit?

13 A (Perusing document.) Yes, my
14 notes.

15 Q What are these notes of?

16 A When Walter called to explain
17 that he was having some problems with his
18 manager.

19 Q So I want to give you an
20 opportunity to read through them and just tell
21 me when you're ready.

22 A (Perusing document.) Yup.

23 Q So on the top of Page 2, it's
24 Bates numbered D000189.

25 A Yup.

1 Verney

2 A Sure.

3 Q And then if you go to the page
4 D000982?

5 A (Perusing document.)

6 Q Can you read the top to yourself,
7 please?

8 A (Perusing document.)

9 Q And then if we move to D000984,
10 on the top it says, "Findings and
11 Recommendations."

12 Can you please read that entire
13 page?

14 A (Perusing document.) Okay.

15 Q Is what's described in Verney 7
16 consistent with what Elam told you and then you
17 memorialized in your notes in July 2015?

18 A Yes. All he said is just his
19 wife is handicapped and got into an accident.

20 He was trying to explain why he
21 had to be late for work that day or called in
22 but ended up going to work is what he said.

23 Q Okay.

24 A But he didn't go into any sort of
25 details like this.

1 Verney

2 A I don't recall discussing that
3 either.

4 Q If an employee is missing work
5 because of a spouse's health condition, is that
6 something that you think you should bring to
7 benefits?

8 A In general or in regard to this?

9 Q In general.

10 A It depends on the situation.
11 Each situation is different.

12 Q What would you want to know?

13 A Can you explain?

14 Q I'll rephrase, yeah.

15 What information would you want
16 to know in order to determine whether to bring
17 it to benefits?

18 A If they need to like stop working
19 altogether or it's becoming severe that they
20 need to stop working, I would say, "You should
21 speak to benefits if you need to go out on a
22 leave."

23 Q What do you mean by "stop
24 working"?

25 A That they can't go to work any

Verney

to see how much work they are missing and usually it would come from a manager saying, "They are late, they are not coming in to work, it's every week," you know, "It's twice a week," we need to figure out, you know, figure out next steps on this.

Q So if you had learned that there was an ongoing issue --

A Correct.

Q -- with an employee not being on the premises --

A Right, ongoing.

Q -- because of a health issue --

A Correct.

Q -- then you would probably bring it up?

A Correct.

Q In the summer of 2015, in July when this was happening, did you understand the FMLA to include taking care of a spouse?

MS. GUNTHER: Objection.

A About what FMLA meant?

Q Yes.

That you can use FMLA leave for